

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL)	MDL No. 1456
INDUSTRY AVERAGE WHOLESALE)	Master Docket 01-cv-12257
PRICE LITIGATION)	
)	
THIS DOCUMENT RELATES TO:)	Subcategory 06-11337
)	Civil Action No. 08-cv-10852
)	
<i>United States of America Ex Rel.</i>)	
<i>Ven-A-Care of the Florida Keys, Inc.</i>)	
<i>a Florida Corporation, by and through</i>)	
<i>its principal officers and directors,</i>)	
<i>ZACHARY T. BENTLEY and T. MARK</i>)	
<i>JONES, vs. Actavis Mid Atlantic LLC,</i>)	
<i>et al.</i>)	
)	
<i>United States of America Ex Rel.</i>)	Civil Action No. 10-cv-11186
<i>Ven-A-Care of the Florida Keys</i>)	
<i>vs. Baxter Healthcare Corporation and</i>)	Judge Patti B. Saris
<i>Baxter International Inc.</i>)	

STATUS REPORT OCTOBER 1, 2011

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for plaintiff and relator Ven-A-Care of the Florida Keys, Inc., hereby submits the following status report to the Court listing the status of all motions to date.

Respectfully submitted,

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**ATTORNEYS FOR VEN-A-CARE OF THE
FLORIDA KEYS, INC.**

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On May 24, 2011, a Status Conference was held and settlement issues were discussed with respect to all pending matters. Attorney James Breen reported to the Court that settlements in principle have been reached with respect to the Actavis Group and Par Pharmaceutical Companies. On May 27, 2011, the Court entered a 90 Day Settlement Order of Dismissal as to Actavis Mid Atlantic, LLC and Par Pharmaceuticals Defendants [Docket No. 178]. The Court set another status conference for June 16, 2011 at 2:00 p.m.

On June 16, 2011, a Status Conference was held, and settlement issues were addressed with respect to all pending matters. Attorney James Breen reported that a settlement in principle had been reached with respect to the Watson group of Defendants. Ven-A-Care also reached settlements in principle with the Mylan and Sandoz Defendants regarding both the federal and California (03-CV-11226-PBS) cases.

On July 8, 2011, the Court entered 120 Day Settlement Orders of Dismissal as to Subcategory Case No. 06-11337 (Individual Case No. 08-10852) as to the Mylan Defendants [Docket No. 7660], the Sandoz Defendants [Docket No. 7662] and the Watson Defendants [Docket No. 7663].

On August 22, 2011, a Joint Motion to Extend the 90-Day Order of Dismissal as to Defendants Actavis, Inc., Actavis Elizabeth LLC and Actavis Mid Atlantic LLC was filed [Docket No. 7762], asking the Court for an extension until October 24, 2011 to conclude their settlement discussions, finalize settlement papers and obtain the United States' written consent to the dismissal.

On August 22, 2011, a Joint Motion to Extend the 90-Day Order of Dismissal as to Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. was filed [Docket 7763], asking the Court for an extension until September 2, 2011 to file necessary documents per the parties' Settlement Agreement.

On August 26, 2011, Ven-A-Care and Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. filed a Joint Notice of Settlement [Docket No. 7769], requesting the Court to consent to the settlement and enter an Order of Dismissal with Prejudice per the parties' Stipulation of Dismissal with Prejudice [Docket No. 7768] filed contemporaneously with the Notice. The Court approved the settlement and on August 29, 2011, the Court entered an Order of Dismissal with Prejudice of Certain Claims Against the Par Defendants [Docket No. 7776].

On August 29, 2011, the Court granted the Joint Motion of Ven-A -Care and Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. to extend the 90-Day Order of Dismissal until September 2, 2011 [Docket 7773].

On August 30, 2011, the Court granted the Joint Motion of Ven-A -Care and Defendants Actavis, Inc. Actavis Elizabeth LLC and Actavis Mid Atlantic LLC to extend the 90-Day Order of Dismissal for an additional 60 days until October 24, 2011 [Electronic Order].

On September 14, 2011, Ven-A-Care and Watson Pharmaceuticals, Inc. and Schein Pharmaceuticals (nka Watson Pharma, Inc.) filed a Stipulation of Dismissal with Prejudice of Certain Claims Against Watson Parties and Motion for Order of Dismissal with Prejudice [Docket 7792]. On September 19, 2011, the Court granted the parties' motion and entered an Order of Dismissal with Prejudice of Certain Claims against Watson Defendants [Docket 7799].

On September 9, 2011, Ven-A-Care and Sandoz, Inc. filed a Stipulation of Dismissal with Prejudice of Certain Claims Against Sandoz and Motion for Order of Dismissal with Prejudice [Docket 7789]. On September 20, 2011, the Court granted the parties' motion and entered an Order of Dismissal of Certain Claims with Prejudice against Sandoz [Docket 7802].

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The mediator has reported the status of settlement negotiations directly to the Court.

CERTIFICATE OF SERVICE

I hereby certify that I, Rand J. Riklin, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on September 30, 2011, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service.

Respectfully submitted,

By: /s/ Rand J. Riklin
Rand J. Riklin
John E. Clark

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